

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Gram Panchayats – Appeal Petition filed by Smt.N.V.S.Lakshmi, Sarpanch(U/S), Pamidi Village and Mandal, Anantapur District against the proceedings of District Collector (PW), Anantapur District – Dismissed – Orders – Issued .

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.IIA) DEPARTMENT
G.O. Rt. No. 560

Date: 02.03.2009.

Read the following:

- Ref:- 1. From the Dist. Collector, Anantapur, Roc.No. 857/2008/A5/Pts, dt: 19-01-09.
2. Smt.N.V.S.Lakshmi, W/o. N.V.S. Badrinadh, Pamidi Village and Mandal, Anantapur District appeal petition dt 29-01-09.
3. Govt.Memo.No.2466/Pts.IIA/2009-1, Dt.4.2.2009.
4. Govt.Memo.No.2466/Pts.IIA/2009-1, Dt.5.2.2009
5 Telegram dt.6.2.2009 of High Court in W.P.No.2157, Dt.6.2.2009.
6 Govt.Memo.No.2466/Pts.IIA/2009-3, DT.10.2.2009.
7 From the DPO., Anantapur Lr.Rc.No.857/2008/A5(Pts), Dt.11.2.2009.

ORDER:

In the reference 1st read above, the District Collector, Anantapur District has placed Smt N.V.S.Lakshmi, Sarpanch, Pamidi Gram Panchayat and Mandal, Anantapur District under suspension for a period of 3 months under section 249(6) of APPR Act, 1994, pending final conclusion of Proceedings.

2. Aggrieved by the above said orders, in the reference 2nd read above Smt.N.V.S.Lakshmi, Sarpanch (U/S), Pamidi Village and Mandal, Anantapur District has filed an Appeal Petition before the Government requesting to suspend the operation of the orders passed by the District Collector, Anantapur.

3. In the reference 3rd read above, the Government has called for a detailed report from the District Collector (PW), Anantapur on the appeal petition.

4. In the reference 4th read above, the Government has refused stay on the proceedings of District Collector (PW), Anantapur dt 19-01-09.

5. In the meantime the Petitioner has got stay orders on the Proceedings dt.19.1.2009 of the District Collector (PW), Anantapur from the Hon'ble High Court of A.P.,

6. The case was posted for hearing on 28.2.2009. The Petitioner's Advocate and the District Panchayat Officer have appeared. While reiterating the contentions raised in the Appeal Petition, the Advocate has stated that the Petitioner has neither committed any irregularities nor misappropriated the Gram Panchayat funds. He has also contended that the District Panchayat Officer has no power to issue show cause notice to the Petitioner and the show cause notice issued by the District Panchayat Officer is without authority.

7. Government have gone through the records. It is on record that as the Petitioner has indulged in several irregularities and as there is a prima facie case established, the District Collector, Anantapur by invoking the powers vested with him has issued show cause notice on 2.1.2009 in Rc.No.857/2008/A5/Pts., calling for the explanation of the Petitioner as to why action should not be taken against her for the irregularities committed by her.

8. The contention of the Petitioner is that the District Panchayat Officer has no power to issue show cause notice and the show cause notice issued by the District Panchayat Officer is invalid. A perusal of the show cause notice reveals that the show cause notice was issued by the Office of the District Collector (PW) which was communicated to the Petitioner by the District Panchayat Officer on behalf of the District Collector (PW). Hence the contention of the Petitioner is untenable in as much as the

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Show Cause Notice was issued by the District Collector (PW) before she was placed under suspension but not by the District Panchayat Officer as contended by her before Government and in Hon'ble A.P. High Court in W.P.No.2157/2009. After having considered the explanation submitted by her, the District Collector (PW) Anantapur by his Proceedings in Rc.No.857/2008/A/Pts., Dt.19.01.2009 has placed her under suspension.

9. As regards the merits of the case, the Petitioner was kept under suspension as she has directly entrusted the works to the ward members without approval of Gram Panchayat in violation of the Provisions of Sec.19(D) of APPR Act, 1994, that the Petitioner has drawn an amount of Rs.23.70 lakhs from the Gram Panchayat funds without following the procedures laid down under the APPR Act, 1994 and rules made there under and the Petitioner also incurred expenditure over and above the approved Budget. It is clearly established that the Sarpanch has acted high handedly while entrusting the works to her own ward members and also to her own people. It is the basic responsibility of a Sarpanch or executive authority to keep the Gram Panchayat informed to whom they are entrusting the particular work. The Petitioner's Advocate while accepting that all the works were entrusted to ward members by the Petitioner, has argued that all these works are below the value of Rs.50,000/- only and hence given on nomination. The contention of the Petitioner's Advocate is untenable. It is not the question of entrustment of works on nomination basis but it is the question of the legality of entrustment of works to ward members without obtaining prior approval of Gram Panchayat and such entrustment is in accordance with the provisions of the APPR Act and rules made there under. It is an undisputed fact that the provision of APPR Act and rules does not permit the entrustment of the works to the ward members of the Gram Panchayat. Therefore the contention raised by the Petitioner does not hold any water.

10. As pointed out by the Collector, in the suspension order, there is clear violation of rules issued under section 19 d of APPR Act and rules issued under section 77 and in G.O.Ms.No.69 dated 29.9.2000, violation of Budgetary Provisions, violation of Rules under Section 19-D violation of accounting procedure by issue of self cheques for payments etc. In total an amount of Rs.23,00,000/- (Rupees Twenty three lakhs only) is involved in irregular drawls. It clearly attracts the provisions of section 249 as the Sarpanch abused her powers. During the hearing it was also brought to the notice that the Petitioner has also violated in issuing self cheques to the ward members. With regard to violation of incurring expenditure over and above the Budget provision and issue of self cheques, the Petitioner's Advocate when questioned has no answer and admitted the same.

11. Government after careful consideration of the material found that there is no valid reasons to interfere with the impugned orders of the District Collector (PW). The Appeal Petition is therefore dismissed.

12. The District Collector (PW), Anantapur District is directed to complete the process of action under the provisions of Sec. 249 of APPR Act and also probe into the correctness of the statement made by the Panchayat Secretary that he was not allowed by the Sarpanch to bring all the irregularities to the notice of the higher authorities.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

To:

Smt.N.V.S.Lakshmi, Sarpanch (U/S), Pamidi Village and Mandal,
Anantapur District.

The Commissioner, PR & RE, Hyderabad.

The District Collector (PW), Anantapur District.

The District Panchayat Officer, Anantapur District.

P.S. to M(PR)

P.S. to Secretary (PR).

Deputy Secretary (PR).

Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER